Animal Generic Drug User Fee Act Reauthorization Performance Goals and Procedures – Fiscal Years 2014 Through 2018

The goals and procedures of the Food and Drug Administration (FDA or the Agency) as agreed to under the "Animal Generic Drug User Fee Act of 2013" are summarized as follows:

Application/Submission Goals

1. Original Abbreviated New Animal Drug Applications (ANADAs) and Reactivations

Review and act on 90 percent of non-administrative original ANADAs within 270 days after the submission date.

An application is incomplete if it would require additional data or information to enable the Agency to complete a comprehensive review of the application and reach a decision on the issue(s) presented in the application. If the Agency determines that the deficiencies are not substantial, the Agency will review and act on 90 percent of reactivated applications within 190 days after the reactivated ANADA submission date. This shorter review time for reactivated ANADAs for which the deficiencies are determined not to be substantial is not intended to prevent the use of minor amendments during Agency review of an application. If the Agency determines that the deficiencies are substantial or new substantial information is provided, the Agency will review and act on 90 percent of reactivated applications within 270 days after the reactivated ANADA submission date.

Administrative ANADAs

Review and act on 90 percent of administrative ANADAs (ANADAs submitted after all scientific decisions have been made in the JINAD process, i.e., prior to the submission of the ANADA) within 100 days after the submission date.

2. Manufacturing Supplemental ANADAs and Reactivations

Review and act on 90 percent of manufacturing supplemental ANADAs within 270 days after the submission date.

A submission is incomplete if it would require additional data or information to enable the Agency to complete a comprehensive review of the submission and reach a decision on the issue(s) presented in the submission. If the Agency determines that the deficiencies are not substantial for manufacturing supplements requiring prior approval according to 21 CFR 514.8(b), the Agency will permit the manufacturing supplements to be resubmitted as “Supplement-Changes Being Effected in 30 Days”

as described in 21 CFR 514.8(b)(3). If the Agency determines that the deficiencies are substantial or new substantial information is provided, the Agency will review and act on 90 percent of reactivated manufacturing supplements within 270 days after the re-submission date.

3. Generic Investigational New Animal Drug (JINAD) Study Submissions

Review and act on 90 percent of JINAD study submissions within 270 days after submission date.

A submission is incomplete if it would require additional data or information to enable the Agency to complete a comprehensive review of the study submission and reach a decision on the issue(s) presented in the submission. If the Agency determines that the deficiencies are not substantial, the Agency will review and act on 90 percent of resubmitted JINAD study submissions within 90 days after the resubmission date. This shorter review time for resubmitted JINAD study submissions is not intended to prevent the use of minor amendments during Agency review of a study submission. If the Agency determines that the deficiencies are substantial or new substantial information is provided, the Agency will review and act on 90 percent of resubmitted JINAD study submissions within 270 days after the resubmission date.

4. JINAD Protocols

Review and act on 90 percent of JINAD submissions consisting of protocols without substantial data, that the Agency and the sponsor consider to be an essential part of the basis for making the decision to approve or not approve an ANADA or supplemental ANADA, within 100 days after the submission date.

Permit comparability protocols as described in 21 CFR 514.8(b)(2)(v) to be submitted as protocols without substantial data in a JINAD file. The Agency will review and act on 90 percent of JINAD submissions consisting of protocols without substantial data within 100 days after the submission date of the protocol. For potentially more complex comparability protocols, for example sterile process validation protocols, the sponsor should discuss and have Agency concurrence regarding the appropriate filing strategy.

For the application/submission goals above, the term "review and act on" is understood to mean the issuance of a complete action letter after the complete review of an original ANADA, supplemental ANADA, or JINAD submission which either (1) approves an original or supplemental ANADA or notifies a sponsor that a JINAD submission is complete or (2) sets forth in detail the specific deficiencies in such original or supplemental ANADA or JINAD submission and, where appropriate, the actions necessary to place such an original or supplemental ANADA or JINAD submission in condition for approval (“incomplete letter”). Within 30 days of submission, FDA shall refuse to file an original or supplemental ANADA, or their reactivation, which is

determined to be insufficient on its face or otherwise of unacceptable quality for review upon initial inspection as per 21 CFR 514.110. Thus, the agency will refuse to file an application containing numbers or types of errors, or flaws in the development plan, sufficient to cause the quality of the entire submission to be questioned to the extent that it cannot reasonably be reviewed. Within 60 days of submission, FDA will refuse to review a JINAD submission which is determined to be insufficient on its face or otherwise of unacceptable quality upon initial inspection using criteria and procedures similar to those found in 21 CFR 514.110. A decision to refuse to file an application or to refuse to review a submission as described above will result in the application or submission not being entered into the cohort upon which the relevant user fee goal is based. The agency will keep a record of the numbers and types of such refusals and include them in its annual performance report.

FDA may request minor amendments to original or supplemental ANADAs and JINAD submissions during its review of the application or submission. At its discretion, the Agency may extend an internal due date (but not a user fee goal) to allow for the complete review of an application or submission for which a minor amendment is requested. If a pending application is amended with significant changes, the amended application may be considered resubmitted, thereby effectively resetting the clock to the date FDA received the amendment. The same policy applies for JINAD submissions.

Sponsors are not required to submit study protocols for review. However, for each voluntarily submitted protocol for a study that the Agency and the sponsor consider to be an essential part of the basis for making the decision to approve or not approve an original or supplemental ANADA, the Agency will issue a complete action letter providing comments resulting from a complete review of the protocol. The complete action letter will be as detailed as possible considering the quality and level of detail of the protocol submission; will include a succinct assessment of the protocol; and will state whether the Agency agrees, disagrees, or lacks sufficient information to reach a decision that the protocol design, execution plans, and data analyses are adequate to achieve the objectives of the study. If the Agency determines that a protocol is acceptable, this represents an agreement that the data generated by the protocol can be used to support a safety or effectiveness decision regarding the subject new animal drug. The fundamental agreement is that having agreed to the design, execution, or analyses proposed in protocols reviewed under this process, the Agency will not later alter its perspectives on the issues of design, execution, or analyses unless the Agency issues a written order that a substantiated scientific requirement essential to the assessment of the study appeared after the Agency's protocol assessment, or public or animal health concerns unrecognized at the time of protocol assessment under this process are evident.

The term "submission date" is understood to mean the date the FDA Center for Veterinary Medicine (CVM) Document Control Unit (DCU) receives an application or submission. DCU date stamps an application or submission on the day of receipt.

Work Queue Review Procedures

The Agency will review all submissions in accordance with procedures for working within a queue. An application/submission that is not reviewed within the applicable Application/Submission Goal time frame will be reviewed with the highest possible priority among those pending.

Amending Similar Applications and Submissions

The Agency and regulated industry agree that applications and submissions to the Agency will be complete and of sufficient quality to allow the Agency's complete and timely review. The Agency will refuse to file poor quality and incomplete applications and submissions rather than allowing them to serve as "placeholders" in the review queue that are subsequently amended to add the missing or inadequate portions.

The Agency recognizes that there are circumstances in which a controlled amendment process can make the review of similar, pending submissions more efficient, without compromising the sponsor's responsibility for high quality submissions. Thus, if the Agency requests an amendment to a non-administrative original ANADA, manufacturing supplemental ANADA, JINAD study submission, or a JINAD protocol submission (a "CVM-initiated amendment"), or issues an incomplete letter for such an application or submission, a sponsor may request to amend other, similar applications or submissions it has pending with the Agency ("sponsor-initiated amendment(s)") in accordance with the following criteria:

1. The amended information for these similar applications or submissions must be the same as in the CVM-requested amendment or incomplete letter; and
2. The amended information must not significantly change the pending application or submission; and
3. The amended information for these similar applications or submissions must be submitted no later than:
    a. 120 days after the submission date for one of these pending non-administrative original ANADA, manufacturing supplemental ANADA, or JINAD study submissions; or
    b. 50 days after the submission date for one of these pending JINAD protocol submissions.

If the Agency determines that the above criteria have been met, it will not change the user fee goal for a pending application or submission that has been amended by a sponsor-initiated amendment. If the above criteria have not been met, the Agency may consider the application or submission resubmitted on the date of the sponsor-initiated amendment, thereby resetting the clock to the date FDA received the amendment.

Multiple Data Submissions to the Chemistry Manufacturing Controls Technical Section

The Agency will develop and implement a two-phased Chemistry Manufacturing Controls technical section review process under the JINAD file by the end of fiscal year 2014.

Develop Question Based Review Process for Bioequivalence Submissions

The Agency will develop and implement a question based review (QbR) process for bioequivalence submissions by the end of fiscal year 2016. At its discretion, the Agency may extend the timeline for completion if necessary, depending on available resources.

Timely Foreign Pre-Approval Inspections

1. The Agency and regulated industry are committed to improving the review and business processes that will facilitate the timely scheduling and conducting of pre-approval inspections (PAIs). To improve the timeliness and predictability of foreign PAIs, sponsors may voluntarily submit 1) at the beginning of the calendar year, a list of foreign manufacturing facilities that are specified in an abbreviated application, supplemental abbreviated application, or generic investigational file and may be subject to foreign PAIs for the following fiscal year; and 2) a notification 30 days prior to submitting an abbreviated application, a supplemental abbreviated application, or generic investigational file that informs the Agency that the application includes a foreign manufacturing facility. Should any changes to the annual list occur after its submission to the Agency, the sponsor may provide the updated information to the Agency.

2. The Agency will keep a record of the number of foreign PAIs conducted for abbreviated applications, along with the average time for completing the PAIs, and include this information in its annual performance report. The time for completing the PAI is understood to mean the time from the inspection scheduling request through notification to the Center of inspectional findings.

Timely Meetings with Industry

The Agency and the regulated industry agree that the use of both formal meetings (e.g., presubmission conferences, workshops, etc.) and informal communication by both parties is critical to ensure high submission quality such that the above performance goals can be achieved.

Workload Adjustment

The proposed amendment to the Animal Generic Drug User Fee Act of 2008 requires FDA to annually adjust fee revenues after fiscal year 2014 to reflect changes in review workload utilizing a weighted average of the change in the total number of abbreviated applications for generic new animal drugs, manufacturing supplemental abbreviated applications for generic new animal drugs, investigational generic new animal drug study submissions, and investigational generic new animal drug protocol submissions. The Agency will use the method detailed below to calculate the workload adjustment, and the

percent increase in fees will be made if the amount of the workload adjuster is equal to or greater than one percent (1%). In accordance with the statute, the workload adjustment will not result in fee revenues for a fiscal year that are less than the fee revenues for that fiscal year as specified in the statute.

The term "workload adjuster" applicable to a fiscal year consists of the sum of the percent of change in the total number of each of the four component submission types submitted (comparing the five-year average number of such submissions for fiscal years 2009 – 2013 -- the base years -- to the five-year average for the most recent five-year period ending June 30 before the start of the next fiscal year) times a weighting factor that is the percent of direct review time spent on the each of the four component submissions over the most recent five-year period.